

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**SHARON A. JOHNSON,**

**Defendant.**

**8:07CR346**

## ORDER

This matter is before the court on the motion to continue by defendant Sharon A. Johnson (Johnson) (Filing No. 43). Johnson seeks a continuance of the trial of this matter which is scheduled for October 6, 2008, due to her medical condition. Johnson has filed an affidavit wherein she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted. Johnson shall provide the court with a status report and her proposed treatment plan following her office meeting with Dr. Conjalka on October 2, 2008, as set forth below.

**IT IS ORDERED:**

1. Johnson's motion to continue trial (Filing No. 43) is granted.
2. Trial of this matter is re-scheduled for **January 26, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 1, 2008 and January 26, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant is physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(4).
3. **On or before November 3, 2008**, Johnson shall file, under seal, a status report of her medical condition and her proposed treatment plan.

DATED this 1st day of October, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge